

THURSDAY, APRIL 12, 2001

TWENTY-SEVENTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Davis (Washington).

Representative Davis (Washington) led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....93

Representatives present were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Bittle; family illness.

Representative Cooper; business reasons.

Representative Fowlkes; personal reasons.

Representative Mumpower; personal reasons.

Representative Tindell; personal reasons.

Representative Turner (Hamilton); illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 53: Rep(s). Newton as prime sponsor(s).

House Joint Resolution No. 223: Rep(s). Beavers and Sands as prime sponsor(s).

House Bill No. 262: Rep(s). Godsey as prime sponsor(s).

House Bill No. 604: Rep(s). Langster as prime sponsor(s).

House Bill No. 616: Rep(s). Naifeh as prime sponsor(s).

House Bill No. 680: Rep(s). Garrett as prime sponsor(s).

House Bill No. 1369: Rep(s). Beavers, Kent, Cole (Carter) and Black as prime sponsor(s).

House Bill No. 1704: Rep(s). Bone, Curtiss, McDonald, Odom, West, Newton and Williams as prime sponsor(s).

House Bill No. 1918: Rep(s). Walker as prime sponsor(s).

MESSAGE FROM THE SENATE

April 12, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 59, 151, 156, 158 and 163; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Joint Resolution No. 59** -- General Assembly, Statement of Intent or Position - Urges National Center for Public Policy and Higher Education to select Tennessee as one of multi-state participant in long-term strategic planning on state higher education policy using NCPPE's Measuring Up 2000 report. by *Rochelle, *Williams.

Senate Joint Resolution No. 151 -- Naming and Designating - "Police Memorial Day," May 15, 2001; "Police Memorial Week," May 13-19, 2001. by *Burks, *Henry, *Kurita, *Harper, *Kyle, *Williams, *McNally, *Cohen, *Herron.

Senate Joint Resolution No. 156 -- Memorials, Professional Achievement - Reverend Anthony D. Henderson. by *Cohen, *Kyle.

Senate Joint Resolution No. 158 -- Memorials, Professional Achievement - Mary Jane Rose. by *Henry.

Senate Joint Resolution No. 163 -- Memorials, Death - Leah Rose Werthan. by *Henry, *Cohen.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 228** -- Memorials, Congress - Urges ban of methyl tertiary butyl ether (MTBE) as fuel additive. by *Odom.

House Health and Human Resources Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 16, 2001:

House Joint Resolution No. 230 -- Memorials, Academic Achievement - Amy Bryant, Valedictorian, Eagleville High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 231 -- Memorials, Academic Achievement - Jonathan Wilson, Valedictorian, LaVergne High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 232 -- Memorials, Academic Achievement - Amanda Craddock, Salutatorian, LaVergne High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 233 -- Memorials, Academic Achievement - Jennifer Lamb, Valedictorian, Eagleville High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 234 -- Memorials, Academic Achievement - Holly Bunch, Valedictorian, Eagleville High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 235 -- Memorials, Death - Charles E. Patty, Jr. by *Buttry.

House Joint Resolution No. 236 -- Memorials, Professional Achievement - James A. Brown, President, Tennessee Road Builders Association. by *Cole (Dyer).

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 16, 2001:

Senate Joint Resolution No. 156 -- Memorials, Professional Achievement - Reverend Anthony D. Henderson. by *Cohen, *Kyle.

Senate Joint Resolution No. 158 -- Memorials, Professional Achievement - Mary Jane Rose. by *Henry.

Senate Joint Resolution No. 163 -- Memorials, Death - Leah Rose Werthan. by *Henry, *Cohen.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 69** -- Sunset Laws - Petroleum underground storage tank board, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 215. by *Harper. (HB1071 by *Kernell, *Brooks, *Cooper B)

***Senate Bill No. 812** -- Criminal Offenses - Creates offense of having hoax explosive device; redefines "explosive device" to include pipe bomb; increases penalty from Class E to Class C felony. Amends TCA Title 39, Chapter 17, Part 13. by *Harper. (HB1095 by *West)

***Senate Bill No. 951** -- Human Rights Commission - Exempts investigators of commission from licensing and regulatory requirements of private security guards/officers. Amends TCA Section 4-21-302. by *Burchett. (HB1343 by *Hagood)

Senate Bill No. 1043 -- Hazardous Materials - Deletes statutory requirement for annual publication of report documenting expenditures from hazardous waste remedial action fund; deletes statutory requirement for annual public hearing, within each grand division, regarding such expenditures. Amends TCA Title 68, Chapter 212. by *Ramsey. (*HB262 by *Curtiss)

Senate Bill No. 1324 -- Pensions and Retirement Benefits - Recalculates line of duty benefits granted to minor and adult beneficiaries of governmental employees under TCRS. Amends TCA Title 8, Chapter 36. by *Haynes, *Harper, *Graves. (*HB749 by *Garrett, *Davidson, *McDonald, *Langster, *Briley, *Pruitt, *Jones, S.)

***Senate Bill No. 1488** -- Alcoholic Beverages - Makes exhibition or use of false identification to purchase or obtain alcoholic beverages by person less than 21 years punishable by loss of driver license. Amends TCA Section 57-4-203. by *Burchett. (HB1028 by *Hagood, *Bunch)

***Senate Bill No. 1499** -- Insurance Companies, Agents, Brokers, Policies - Establishes civil and criminal penalties for insurance fraud. Amends TCA Section 39-14-133 and Title 56. by *Rochelle. (HB1326 by *McMillan)

***Senate Bill No. 1527** -- Insurance, Motor Vehicles - Changes amount of time records of surplus lines contracts shall be kept open for inspection from three years to five years. Amends TCA Title 56, Chapter 14. by *Rochelle. (HB843 by *Williams (Williamson))

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1992 -- Gallatin -- Local Bill Held on House Desk

House Bill No. 1994 -- Dyersburg -- Local Bill Held on House Desk

House Bill No. 1995 -- Alcoa -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 12, 2001**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 16, 2001**: House Bill(s) No(s). 1270, 617, 257, 367, 723, 923, 962, 143, 1393, 212, 518, 1407 and 1381.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 16, 2001**: House Joint Resolution(s) No(s). 28, House Bill(s) No(s). 228, 553, 746, 955, 1610, 956, 958, 986 and 907.

CONSENT CALENDAR

House Joint Resolution No. 220 -- Memorials, Congratulations - Washington Parent Action Team Reinforcing and Integrating Opportunities To Succeed (Washington PATRIOTS). by *Godsey.

House Joint Resolution No. 221 -- Memorials, Personal Achievement - Sean Christopher Brockman, Eagle Scout. by *Beavers.

House Joint Resolution No. 222 -- Memorials, Personal Occasion - Glenn and Delia Leddy, 50th wedding anniversary. by *Hargrove.

House Joint Resolution No. 223 -- Memorials, Sports - Barry Sutton. by *Bone.

House Joint Resolution No. 224 -- Memorials, Academic Achievement - Laura Nicole Royal, Valedictorian, Riverdale High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 225 -- Memorials, Academic Achievement - Ashley Hope Wilson, Valedictorian, Riverdale High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 226 -- Memorials, Academic Achievement - Kole Steven Masters, Valedictorian, Riverdale High School. by *Beavers, *Rowland, *Hood.

House Joint Resolution No. 227 -- Memorials, Academic Achievement - Jessica Jenkins, Valedictorian, Riverdale High School. by *Beavers, *Rowland, *Hood.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes91
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Shelby), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 407** -- Solid Waste Disposal - Exempts from liability for violation of solid waste disposal requirements person whose interest in solid waste site is limited to security interest. Amends TCA Title 68, Chapter 211. by *Bunch. (SB1030 by *Ramsey)

Further consideration of House Bill No. 407 previously considered on March 22, 2001 and March 29, 2001, at which time the House adopted Amendment(s) No(s). 1 and 2. The bill was also considered on April 5, 2001.

Rep. Bunch moved that House Bill No. 407, as amended, be passed on third and final consideration.

Rep. Lewis moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 407 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than:

13,100

40,200

nor more than:

13,370

40,500

On motion, Amendment No. 3 was adopted.

Rep. S. Jones moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Bunch moved that **House Bill No. 407**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes86

Noes0

Present and not voting2

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Churney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 86.

Representatives present and not voting were: Givens, Lewis -- 2.

A motion to reconsider was tabled.

***House Bill No. 604** -- Textbooks - Allows electronic textbooks to be recommended, adopted, and purchased in same manner as regular textbooks. Amends TCA Title 49, Chapter 6, Part 22. by *DeBerry L. (SB906 by *Dixon)

Rep. L. DeBerry requested that House Bill No. 604 be moved down 3 places on the Calendar.

***House Bill No. 616** -- Highway Signs - Suede's Restaurant and Carl Perkins Museum, I-40 in Madison County. by *Kisber, *Shaw, *McDaniel. (SB916 by *Carter)

On motion, House Bill No. 616 was made to conform with **Senate Bill No. 916**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 916 be passed on third and final consideration.

Rep. Ridgeway moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 916 By adding the following language as a new, appropriately designated Section 3 and by redesignating the existing Section 3 and subsequent section accordingly:

SECTION 3.

(1) This act shall become operative only if Madison County, Tennessee, either remits the estimated cost of the erection of such signs to the department of transportation within one (1) year of the effective date of this act or manufacturers such signs in accordance with the provisions of subdivision (2). Madison County shall make such payment prior to any expenditure by the state for manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to Madison County within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, Madison County shall remit an amount equal to the difference in such costs to the department within thirty (30) days of receiving an itemized invoice of the actual cost from the department.

(2) Madison County may manufacture and erect such signs provided that such signs are manufactured and erected pursuant to state and federal guidelines and approved by the department.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Kisber moved that **Senate Bill No. 916**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes92
Noes.....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

THURSDAY, APRIL 12, 2001 – TWENTY-SEVENTH LEGISLATIVE DAY

House Bill No. 1742 -- Building Commission, State - Authorizes commission to supervise projects involving improvement, demolition, acquisition, disposal, or lease of property by foundation created to benefit University of Tennessee or any institution of state university and community college system of Tennessee. Amends TCA Section 4-15-102. by *Kisber. (*SB1788 by *Henry)

Rep. Kisber moved that House Bill No. 1742 be reset for the Regular Calendar on April 26, 2001, which motion prevailed.

***House Bill No. 1918** -- Taxes, Tobacco, Tobacco Products - Authorizes commissioner of revenue to compel tobacco distributor or wholesaler to provide information about cigarettes sold in state within 30 days of request; allows license suspension or revocation, civil penalty or other sanction for failure to comply; authorizes commissioner to promulgate appropriate rules. by *Givens. (SB1891 by *Haun)

Rep. Givens requested that House Bill No. 1918 be moved to the heel of the Calendar.

***House Bill No. 604** -- Textbooks - Allows electronic textbooks to be recommended, adopted, and purchased in same manner as regular textbooks. Amends TCA Title 49, Chapter 6, Part 22. by *DeBerry L. (SB906 by *Dixon)

Further consideration of House Bill No. 604 previously considered on today's Calendar.

Rep. L. DeBerry moved that House Bill No. 604 be passed on third and final consideration.

Rep. Winningham moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 604 by deleting all of the language in Section 3 of the printed bill and by substituting instead the following language:

This act shall take effect July 1, 2002, the public welfare requiring it.

On motion, Education Committee Amendment No. 1 was adopted.

Rep. L. DeBerry moved that **House Bill No. 604**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

House Bill No. 1815 -- Uniform Commercial Code - Exempts from Article 9 - Secured Transactions assignment of claim or right to receive compensation for workers compensation injuries described in 26 USC 104(a)(1) or (2) and for right to receive benefits under special needs trust described in 42 USC 1396(p)(d)(4). Amends TCA Section 47-9-109. by *Fitzhugh. (*SB1497 by *Rochelle)

Rep. Fitzhugh moved that House Bill No. 1815 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1815 By deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. This act shall take effect July 1, 2001, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Fitzhugh moved that **House Bill No. 1815**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes91
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

***House Bill No. 262** -- Hazardous Materials - Deletes statutory requirement for annual publication of report documenting expenditures from hazardous waste remedial action fund; deletes statutory requirement for annual public hearing, within each grand division, regarding such expenditures. Amends TCA Title 68, Chapter 212. by *Curtiss. (SB1043 by *Ramsey)

On motion, House Bill No. 262 was made to conform with **Senate Bill No. 1043**; the Senate Bill was substituted for the House Bill.

Rep. Curtiss moved that Senate Bill No. 1043 be passed on third and final consideration.

On motion, Rep. Odom withdrew Conservation and Environment Committee Amendment No. 1.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Rep. Westmoreland moved the previous question, which motion prevailed.

Rep. Curtiss moved that **Senate Bill No. 1043** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	88
Noes	0

Representatives voting aye were: Armstrong, Baird, Beavers, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

A motion to reconsider was tabled.

THURSDAY, APRIL 12, 2001 – TWENTY-SEVENTH LEGISLATIVE DAY

***House Bill No. 1506** -- Election Laws - Allows persons owning property in city of Doyle to vote in city elections. Amends TCA Section 6-53-102. by *Curtiss. (SB1767 by *Elsea)

On motion, House Bill No. 1506 was made to conform with **Senate Bill No. 1767**; the Senate Bill was substituted for the House Bill.

Rep. Curtiss moved that Senate Bill No. 1767 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1767 by deleting the amendatory language of Section 1(f)(1) and by substituting instead the following:

(f)

(1) In any city having a population of not less than three hundred forty (340) nor more than three hundred fifty (350) located in any county having a population of not less than twenty thousand (20,000) nor more than twenty thousand three hundred (20,300), according to the 1990 federal census or any subsequent federal census, any person residing outside the corporate limits of the city who owned at least a one-half (1/2) interest in a taxable freehold within such limits for the thirty-day period immediately preceding the date of such election, [or any husband and wife residing outside the corporate limits of such city who owned, as tenants by the entirety, a taxable freehold within such limits for the thirty-day period immediately preceding the date of such election], shall also be entitled to vote at such election, being otherwise qualified. As used in this subdivision, "taxable freehold" means an estate for life or a fee-simple absolute in real property having an appraised value of not less than two thousand dollars (\$2,000) for purposes of title 67, chapter 5.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Curtiss moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1767 by designating the existing amendatory language of Section 1 as (f)(1)(A), by deleting the words "In any city" from such amendatory language and substituting instead the language "Subject to approval in a referendum held in accordance with subdivision (B), in any city".

AND FURTHER AMEND by adding the following language as a new subdivision (B) to the amendatory language of Section 1(f)(1):

(B) The provisions of subsection (f)(1)(A) shall only apply in such city if a majority of the number of qualified voters of the city voting in the first city election held following the effective date of this act approve the question of whether or not the act shall apply to such city. The ballots used in such election shall have printed on them the substance of this act and the voters shall vote for or against the act applying in such city. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the secretary of state as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act.

Rep. Montgomery moved the previous question on Amendment No. 2, which motion prevailed.

On motion, Amendment No. 2 was adopted.

Rep. Bunch moved the previous question, which motion prevailed.

Rep. Curtiss moved that **Senate Bill No. 1767**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	73
Noes	11
Present and not voting	4

Representatives voting aye were: Arriola, Baird, Black, Bone, Boyer, Briley, Buck, Bunch, Buttry, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Goins, Hagood, Hargrove, Harwell, Head, Hood, Johnson, Kent, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Todd, Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 73.

Representatives voting no were: Beavers, Bowers, Brooks, Brown, Chumney, Hargett, Jones S, Jones U, Pruitt, Towns, Turner (Shelby) -- 11.

Representatives present and not voting were: Armstrong, Caldwell, Kernell, Stanley -- 4.

A motion to reconsider was tabled.

***House Bill No. 680** -- Anatomical Gifts - Redefines requirements for making, amending, revoking and refusing to make anatomical gifts. Amends TCA Title 68, Chapter 30. by *Williams (Williamson). (SB1361 by *Jackson)

Rep. Williams moved that House Bill No. 680 be passed on third and final consideration.

THURSDAY, APRIL 12, 2001 – TWENTY-SEVENTH LEGISLATIVE DAY

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 680 By deleting the language ", a statement attached to or imprinted on a donor's motor vehicle operator's or chauffeur's license," in Section 68-30-114(i) of the amendatory language of Section 2 immediately after the language "document of gift".

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Williams moved that **House Bill No. 680**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

***House Bill No. 246** -- Landlord and Tenant - Clarifies that counties specifically excluded under Uniform Residential Landlord and Tenant Act shall remain excluded notwithstanding results of 2000 federal census or any subsequent federal census. Amends TCA Section 66-28-102. by *Williams (Williamson). (SB1041 by *Ramsey)

On motion, House Bill No. 246 was made to conform with **Senate Bill No. 1041**; the Senate Bill was substituted for the House Bill.

Rep. Williams moved that **Senate Bill No. 1041** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	84
Noes	5
Present and not voting	1

THURSDAY, APRIL 12, 2001 – TWENTY-SEVENTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Towns, Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 84.

Representatives voting no were: Bowers, Clem, Hagood, Kernell, Turner (Shelby) -- 5.

Representatives present and not voting were: Caldwell -- 1.

A motion to reconsider was tabled.

House Bill No. 850 -- Real Estate Agents and Brokers - Revises fees for reinstatement or renewals of real estate broker and salespersons licenses from \$25.00 to fee to be determined by real estate commission. Amends TCA Title 62, Chapter 13. by *Boyer. (*SB1463 by *Clabough)

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Boyer moved that House Bill No. 850 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 850 by deleting Section 2 of the printed bill in its entirety and by substituting instead the following:

SECTION _____. This act shall take effect upon becoming a law for the purpose of rulemaking and on January 1, 2002, for all other purposes, the public welfare requiring it.

On motion, Commerce Committee Amendment No. 1 was adopted.

THURSDAY, APRIL 12, 2001 – TWENTY-SEVENTH LEGISLATIVE DAY

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 850 by adding the following at the end of the amendatory language of subdivision (a)(2) of Section 1 of the printed bill as amended:

Such additional fee shall be limited to an amount not to exceed a total fee of fifty dollars (\$50).

On motion, Commerce Committee Amendment No. 2 was adopted.

Rep. Boyer moved that **House Bill No. 850**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	87
Noes	0
Present and not voting	3

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McKee, McMillan, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Shelby), Turner (Davidson), Walker, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives present and not voting were: McDonald, Vincent, West -- 3.

A motion to reconsider was tabled.

House Bill No. 1296 -- Telecommunications - Redefines "cable system" to include open video system with respect to overlapping franchises; prohibits franchising authority from employing terms more favorable or less burdensome on open video system than imposed on private provider to same extent as with municipal electric system. Amends TCA Section 7-59-201 and Section 7-59-102. by *Kent. (*SB1037 by *Ramsey)

Rep. Kent moved that House Bill No. 1296 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1296 by deleting Section 4 in its entirety and by substituting instead the following language:

SECTION 4. Tennessee Code Annotated, Section 7-59-201, is further amended by deleting the word "and" at the end of subdivision (5); by deleting the period at the end of subdivision (6) and substituting instead a semi-colon and the word "and"; and by adding the following language as a new subdivision to be designated as follows:

(7) "Open video system" means:

(a) A video digital subscriber line service facility; and

(b) A facility that is operated by a local exchange carrier or other entity in compliance with Section 653 of Federal Communications Act of 1934, 47 U.S.C. 573, and regulations of the Federal Communications Commission.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Kent moved that **House Bill No. 1296**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 90.

Representatives present and not voting were: Brooks, Brown – 2.

A motion to reconsider was tabled.

***House Bill No. 1369** -- State Inmates - Allows department of corrections to collect from inmate trust accounts funds necessary to pay unpaid costs and money from incarcerated indigent defendants to reimburse costs paid by state. Amends TCA Title 40, Chapter 25, by *Westmoreland, *McKee. (SB1646 by *Norris, *Atchley)

On motion, House Bill No. 1369 was made to conform with **Senate Bill No. 1646**; the Senate Bill was substituted for the House Bill.

Rep. Westmoreland moved that **Senate Bill No. 1646** be passed on third and final consideration, which motion prevailed by the following vote:

THURSDAY, APRIL 12, 2001 – TWENTY-SEVENTH LEGISLATIVE DAY

Ayes81
Noes7
Present and not voting1

Representatives voting aye were: Armstrong, Baird, Black, Bone, Bowers, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kisber, Langster, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Newton, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 81.

Representatives voting no were: Arriola, Brooks, Brown, Lewis, Rhinehart, Shaw, Turner (Shelby) -- 7.

Representatives present and not voting were: Kernell -- 1.

A motion to reconsider was tabled.

House Bill No. 290 -- Taxes, Ad Valorem - Deletes extension of due date of property taxes for member of armed forces serving in war. Amends TCA Title 67. by *Sharp. (*SB14 by *Fowler)

Rep. Sharp moved that **House Bill No. 290** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes87
Noes1
Present and not voting1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 87.

Representatives voting no were: Chumney -- 1.

Representatives present and not voting were: Kernell -- 1.

A motion to reconsider was tabled.

***House Bill No. 1360** -- Insurance Companies, Agents, Brokers, Policies - Classifies release of nonpublic personal information by insurance company in violation of federal law as unfair or deceptive act or practice; establishes guidelines for investigation and punishment of violations. - TCA Title 56, Chapter 8, Part 1. by *McKee. (SB1637 by *Clabough, *Atchley)

On motion, House Bill No. 1360 was made to conform with **Senate Bill No. 1637**; the Senate Bill was substituted for the House Bill.

Rep. McKee moved that **Senate Bill No. 1637** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hood, Johnson, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

Representatives present and not voting were: Kernell -- 1.

A motion to reconsider was tabled.

***House Bill No. 1373** -- Hazardous Materials - Requires commissioner of environment and conservation to establish program for lead-based paint hazard education for owners and occupants of target housing and child-occupied facilities. Amends Tennessee Code Annotated Title 68, Chapter 131, Part 4. by *McCord, *Ford S. (SB1650 by *Ramsey, *Atchley)

On motion, House Bill No. 1373 was made to conform with **Senate Bill No. 1650**; the Senate Bill was substituted for the House Bill.

Rep. McCord moved that Senate Bill No. 1650 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1650 by deleting Section 2 in its entirety and by substituting instead the following as a new Section 2:

THURSDAY, APRIL 12, 2001 – TWENTY-SEVENTH LEGISLATIVE DAY

Section 2. Section 68-131-404 of the Tennessee Code is amended by adding the following as appropriately designated new subsections:

() Failure of a renovator of target housing to comply with the requirements of the rules promulgated under this part is unlawful.

() Any failure to comply with the rules promulgated under this part is unlawful.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Sharp moved the previous question, which motion failed.

Rep. McCord moved that **Senate Bill No. 1650**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes92
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

***House Bill No. 1704** -- Highway Signs - "Trooper John Gregory Mann Memorial Highway," segment of I-40. by *Langster, *Shaw, *Fitzhugh, *Naifeh, *Pruitt, *Miller L, *DeBerry J, *Jones U (Shelby), *DeBerry L, *Ridgeway. (SB1902 by *Wilder)

***House Bill No. 747** -- Highway Signs - "Lynn McCarthy Ross Memorial Highway," segment of I-40 in Madison County. by *Langster, *Kisber, *Jones U (Shelby), *Pruitt, *Head, *Rinks, *DeBerry J, *DeBerry L, *Armstrong, *Jones, S.. (SB1095 by *Carter)

Rep. Langster moved that House Bill No. 1704 and 747 be reset for the Regular Calendar on April 23, 2001, which motion prevailed.

***House Bill No. 1386** -- Vital Records - Specifies requirements for completion and filing of birth certificates. by *Hargett, *Boyer. (SB1663 by *Person, *Clabough)

Rep. Hargett moved that House Bill No. 1386 be passed on third and final consideration.

THURSDAY, APRIL 12, 2001 – TWENTY-SEVENTH LEGISLATIVE DAY

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1386 By deleting Section 4, 5 and 6 of the printed bill in their entireties and by appropriately redesignating Section 7.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Hargett moved that **House Bill No. 1386**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes92
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

***House Bill No. 1918** -- Taxes, Tobacco, Tobacco Products - Authorizes commissioner of revenue to compel tobacco distributor or wholesaler to provide information about cigarettes sold in state within 30 days of request; allows license suspension or revocation, civil penalty or other sanction for failure to comply; authorizes commissioner to promulgate appropriate rules. by *Givens. (SB1891 by *Haun)

On motion, House Bill No. 1918 was made to conform with **Senate Bill No. 1891**; the Senate Bill was substituted for the House Bill.

Rep. Givens moved that Senate Bill No. 1891 be passed on third and final consideration.

On motion, Rep. Bowers withdrew Agriculture Committee Amendment No. 1.

Rep. Givens moved that **Senate Bill No. 1891** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes92
Noes0

THURSDAY, APRIL 12, 2001 – TWENTY-SEVENTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. McDaniel, **House Bill No. 1864** was recalled from the Finance, Ways and Means Committee and withdrawn from the House.

RULES SUSPENDED

Rep. Givens moved that the rules be suspended to allow **House Bill(s) No(s). 1327, 1716 and 1851** to be heard in the full Agriculture Committee on Tuesday, April 17, 2001, which motion prevailed.

RULES SUSPENDED

Rep. Kernell moved that the rules be suspended to allow **House Bill No. 740** to be heard in the full Government Operations Committee on Tuesday, April 17, 2001, which motion prevailed.

RULES SUSPENDED

Rep. Bunch moved that the rules be suspended for the purpose of introducing House Resolution No. 53 out of order, which motion prevailed.

House Resolution No. 53 -- Memorials, Recognition - Brittany Jackson. by *Bunch, *Newton.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Bunch, the resolution was adopted.

A motion to reconsider was tabled.

BILLS WITHDRAWN

On motion of Rep. J. DeBerry, **House Joint Resolution No. 39** was recalled from the Children and Family Affairs Committee and withdrawn from the House.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 487: Rep(s). Buttry as prime sponsor(s).

House Bill No. 1460: Rep(s). Fraley as prime sponsor(s).

House Bill No. 1465: Rep(s). Briley and Kisber as prime sponsor(s).

House Bill No. 1527: Rep(s). Briley and Head as prime sponsor(s).

MESSAGE FROM THE SENATE

April 12, 2001

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 204; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 12, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1982; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 12, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1573; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 12, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 146, 290, 322, 343, 1101, 1181, 1673 and 1949; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Bill No. 146** -- Driver Licenses - Increases from 5 or more to more than 10 consecutive or 15 total unexcused absences allowed prior to suspension or denial of driver license of individual under 18 enrolled in GED course. Amends TCA Section 49-6-3017 and Title 55, Chapter 50. by *Cooper J. (HB880 by *Kisber)

***Senate Bill No. 290** -- Teachers, Principals and School Personnel - Allows boards of education rather than directors of schools to select teachers and set their salaries and contracts. Amends TCA Section 49-2-203(a) and Section 49-2-301(f). by *Rochelle, *Williams. (HB1776 by *McMillan, *Fitzhugh, *Davis (Cocke), *Cooper B, *Sands, *Williams (Williamson), *Pinion, *Turner (Shelby), *Shaw, *Shepard, *Hood, *Towns, *Winningham)

***Senate Bill No. 322** -- Pensions and Retirement Benefits - Allows employees in optional retirement programs to withdraw up to 50 percent of accumulated account balances upon retirement or termination of employee. Amends TCA Title 8, Chapter 35. by *McNally, *Trail, *Burks, *Atchley, *Crowe. (HB981 by *Kent, *McMillan, *Pinion, *Bittle, *Maddox, *Hood, *Rhinehart, *Baird)

***Senate Bill No. 343** -- Students - Provides for alternative assessment and accountability procedures for special education students. Amends TCA Title 49, Chapter 1, Part 6. by *Cooper J, *Burks. (HB1846 by *Hargrove)

***Senate Bill No. 1101** -- Landlord and Tenant - Allows landlord, under Uniform Residential Landlord Tenant Act, to charge late fee five days after date rent was due, counting due date, provided late fee can't be charged until next business day if first day late fee may be charged falls on weekend or legal holiday. Amends TCA Section 66-28-201(d). by *Haynes. (HB811 by *Arriola)

***Senate Bill No. 1181** -- Local Education Agency - Allows school board members, who were not in office or who chose not to participate as of July 1, 1998, to now join local group insurance plans upon payment of all premium costs. Amends TCA Section 8-27-303. by *Burchett. (HB832 by *Tindell)

Senate Bill No. 1673 -- Labor and Workforce Development, Dept. of - Reorganizes premium rate tables used in calculating unemployment insurance premium rates paid by employers. by *Clabough, *Atchley, *Williams. (*HB1396 by *Clem, *McDaniel)

Senate Bill No. 1949 -- Lauderdale County - Subject to local approval, decreases county highway commission from two members to one member. Amends Chapter 304 of the Private Acts of 1929; as amended. by *Norris.

ENGROSSED BILLS

April 12, 2001

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 290, 407, 604, 680, 850, 1296, 1386, 1815, also, House Joint Resolution(s) No(s). 220, 221, 222, 223, 224, 225, 226 and 227.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 12, 2001

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 187, 190, 192, 193, 194, 195, 197, 198, 199, 200, 201 and 202; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

April 16, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1041, 1043, 1637, 1646 and 1891; for the signature of the Speaker.

RUSSELL A. HUMPHREY Chief Clerk.

SIGNED

April 12, 2001

The Speaker signed the following: Senate Bill(s) No(s). 1041, 1043, 1637, 1646 and 1891.

MESSAGE FROM THE GOVERNOR

April 12, 2001

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 86 and 101, with his approval.

JAY BALLARD, Counsel to the Governor.

ENROLLED BILLS

April 12, 2001

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 463, 785, 1306, 1573, 1982; House Joint Resolution(s) No(s). 46, 171, 172, 173, 176, 177, 178, 183, 184, 186, 187, 188, 189, 190, 192, 193, 194, 195, 197, 198, 199, 200, 201, 202 and 204; also, House Resolution(s) No(s). 53.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
April 12, 2001

The Speaker signed the following: House Bill(s) No(s). 463, 785, 1306, 1573, 1982; House Joint Resolution(s) No(s). 46, 171, 172, 173, 176, 177, 178, 183, 184, 186, 187, 188, 189, 190, 192, 193, 194, 195, 197, 198, 199, 200, 201, 202 and 204; also, House Resolution(s) No(s). 53.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 12, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 463, 785, 1306, 1573, 1982; also, House Joint Resolution(s) No(s). 46, 171, 172, 173, 176, 177, 178, 183, 184, 186, 187, 188, 189, 190, 192, 193, 194, 195, 197, 198, 199, 200, 201, 202 and 204; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

ROLL CALL

The roll call was taken with the following results:

Present.....92

Representatives present were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 92.

RECESS MOTION

On motion of Rep. Davidson, the House stood in recess until 5:00 p.m., Monday, April 16, 2001.